

**REMARKS**

The present application has 24 claims with Claims 1, 18, and 21 being independent claims. All claims stand rejected.

**35 U.S.C. § 112:**

Claims 20, 23, and 24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in the use of the term "about". The Applicant has amended the claims to remove the term "about" with respect to the rollers.

**35 U.S.C. § 102:**

Claims 1-8, 10-18, 20, and 21 were rejected as being anticipated by U.S. Patent No. 6,041,709 to Wells, et al. Wells was described as showing a peristaltic pump with a first door pivotable in the first direction, a second door pivotable in a second direction, and a roller assembly having a plurality of replaceable rollers.

The Applicant has amended independent Claim 1 to recite that the second direction is substantially perpendicular to the first direction. Specifically, as is shown in, for example, Fig. 2, the door 230 opens in a largely horizontal manner while the lid 300 rotates upward in a largely vertical direction. The use of these perpendicular directions allows easier access to the roller assembly 340 than can be achieved with the two horizontally rotating doors 82, 84 of Wells. The use of the rotating lid also allows the roller assembly 340 to be maintained on the base. The Applicant thus asserts that independent Claim 1, and the dependent claims thereon, are patentable over the cited reference.

The Applicant further traverse the rejection of dependent Claims 13 and 14 concerning a number of roller mounting locations such that the number of rollers can be modified and the use of replaceable rollers. Wells is silent on modifying the number of rollers or replacing the rollers. As described in the specification, however, the number of the rollers and the speed of the pump may be varied according to the flow characteristics of the fluid to be used therein:

For example, coffee may have a diluent to concentrate ratio of about 30 to 1 and may use about three (3) to about four (4) rollers 360 with a pump motor 500 speed of about thirty (30) to about seventy (70) rpm, with about 64 rpm preferred. Orange juice concentrate may be more viscous such that a ratio of about 5 to 1 may be used. The pump 150 therefore may use about two (2) to about three (3) rollers 360 and operate at about forty five (45) to about one hundred twenty (120) rpm, with about 82 rpm preferred. Cappuccino concentrate may be more viscous still and have a ratio of about two (2) to about one (1). The pump 150 again may only use about two (2) rollers 360, but run at a higher speed of about 95 rpm. The pump 150 thus can accommodate such varying flow characteristic of the fluid 110.

See paragraph 0043.

The Applicant further traverses the rejection of independent Claim 18 concerning a pump with a variable speed motor and a roller assembly with a variable number of rollers. Wells simply does not recite varying the number of rollers. Wells certainly does not recite the combination of a variable speed motor and variable number of rollers. The Applicant thus submits that independent Claim 18, and the dependant claims thereon, are patentable.

The Applicant further traverses the rejection of independent Claim 21. Similar to that described above, independent Claim 21 is a method claim concerning selecting a first speed for the pump motor and selecting the first number of rollers. Again, Wells simply does not show any kind of association between pump speed and a variable number of

rollers. The Applicant thus asserts that independent Claim 21, and the dependent claims thereon, are patentable over the cited references.

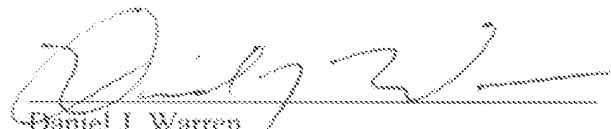
5 U.S.C. § 103:

Claim 9, 19, and 22-24 were rejected under 35 U.S.C. § 103(e) as being unpatentable over Wells in view of U.S. Patent No. 4, 549,860 to Yakich or U.S. Patent No. 6,419,466 to Lowe, et al. The Applicant respectfully traverses the rejections for the reasons described above.

**CONCLUSION**

The Applicant believes it has responded to each matter raised in the Office Action. Allowance of all claims is respectfully solicited. Any questions can be directed to the undersigned at (404) 853-8028.

Respectfully submitted,

  
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